

Application No. 10/642,249

MXIC 1553-3
(P920080US2)**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

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Kathryn Marley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Inventors:

Chih Chieh Yeh et al.

Application No.: 10/642,249

Confirm. No.: 1545

Filed: 15 August 2003

Title: **Method for Programming****Programmable Eraseless Memory**Examiner: **Douglas W. Owens**

Group Art Unit: 2811

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 223131-1450

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED
CLAIM UNDER 35 U.S.C. §119(e)**

Sir:

This Petition is being submitted pursuant to 37 CFR § 1.78(a)(6) for acceptance of an unintentionally delayed claim under 35 U.S.C. §119(e).

The reference required by 35 U.S.C. 119(e) and paragraph (a)(5) of this section is satisfied by the submission of an *Application Data Sheet* herewith.

The required surcharge set forth in 37 C.F.R. §1.17(t) of \$1,370 is enclosed herewith.

The undersigned hereby declares that the entire delay between the date the claim was due under 37 C.F.R. 1.78 (a)(5)(ii) and the date the claim was filed was unintentional.

REMARKS

This application was filed on 15 August 2003. At the time of the filing of the application, the specification of the application contained the following paragraph:

REFERENCE TO RELATED APPLICATION

The present application claims the benefit of Provisional U.S. Patent Application No. 60/_____, entitled PROGRAMMABLE RESISTOR ERASELESS MEMORY, invented by Yeh, et al., and

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PAGE 2/8 * RCVD AT 2/3/2006 2:00:04 PM [Eastern Standard Time] * SVR:USPTO-EFAXF-6/30 * DNIS:2738300 * CSID:650 712 0263 * DURATION (mm-ss):01:36

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FACSIMILE TRANSMITTAL FORM

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FROM:	Mark A. Haynes/Kathryn Marley
CLIENT/MATTER:	MXIC 1553-3 (10/642,249)
DATE:	03 FEBRUARY 2006

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(P920080US2)

filed on 21 July 2003 (converted application number 10/ _____
from non-provisional status to provisional status).

When applicant finally received the *Decision Granting Request to Convert to Provisional* mailed 13 April 2004, and the serial number for the parent provisional application after conversion from utility to provisional on 14 April 2004, applicant failed to amend the specification to reflect the appropriate provisional application number within the 16-month time period which ended on 15 December 2004. Applicant did submit an amendment to add the serial number on 14 April 2005, but has now realized the submission was not timely as required by 37 C.F.R. §1.78(a)(5)(i).

The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-0869 (MXIC 1553-3). A copy of this authorization is enclosed.

Respectfully submitted,

HAYNES BEFFEL & WOLFELD LLP

Date: 3 February 2006

By: _____


Mark A. Haynes, Reg. No. 30,846

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